

REMARKS

Claims 1-158 are pending in this application. The Examiner rejected claims 1-158 under 35 U.S.C. 102(e) as being anticipated by Ferstenberg et al. (Ferstenberg).

Claim 1 recites:

A system for automated negotiation for procurement of an item using computers that communicate over a distributed network, the system comprising:

a buyer's intelligent negotiation agent for sending and receiving information regarding at least one selected item to and from a plurality of sellers' intelligent negotiation agents, said selected item being one of a group of individual product items and individual service items, and

said at least one of a plurality of sellers' intelligent negotiation agents for sending and receiving information regarding said selected item to and from said buyer's intelligent negotiation agent,

wherein, when said buyer's intelligent negotiation agent receives a response to a buyer's initial query regarding said selected item from at least one of said plurality of sellers' intelligent negotiation agents, said buyer's intelligent negotiation agent engages in a negotiation with each of said plurality of sellers' intelligent negotiation agents for procurement of said selected item.

The claimed invention enables automated negotiation for procurement of an item. A buyer uses an intelligent negotiation agent to access a distributed network and obtain information about items from sellers' intelligent negotiation agents. For example, if the buyer wants a computer, the agents describe the features such as chip speed, HDD, RAM, software, monitor, etc. and request a bid from multiple sellers. The buyer's intelligent negotiation agent then engages in a negotiation with each of the sellers' intelligent negotiation agents to obtain the desired item.

Ferstenberg does not anticipate the claimed invention. Ferstenberg describes a "Computer Method and System for Intermediated Exchanges". Specifically, Ferstenberg discloses an "intermediated exchange for financial commodities" which involves the interaction of "participants" that share the roles of buyers and sellers by using a central intermediary or agent. In contrast, the claimed invention recites buyers' negotiation agents that negotiate with sellers' negotiation agents, not with a central intermediary. The claimed system removes the intermediary so that sellers can remove not only the wholesale layer but even the retail layer in order for buyers to deal directly with manufacturers to get the most efficient deals. Further, the

claimed invention allows direct negotiation between a buyer and at least two sellers simultaneously. In Ferstenberg, various buyers (participants) will buy from a single seller, much like a passive catalogue.

Accordingly, claim 1 is patentable over Ferstenberg. Dependent claims 2-81 are also patentable, both because they derive patentability from their dependence from claim 1, and because each recites its own patentable features. Independent claims 82, 99, 100, 110, 112, 133, 136, 137, 149, 157 and 158 as well as their dependent claims, 83-98, 101-109, 111, 113-132, 134-135, 138-148, and 150-156, respectively, are also patentable over Ferstenberg for reasons analogous to claim 1.

Favorable action is solicited. The Examiner is invited to contact the undersigned attorney by telephone, mail or electronic mail in order to advance prosecution. Applicants acknowledge that a copy of any electronic mail communications will be made of record in the application file per MPEP § 502.03.

Respectfully submitted,
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